

DAC (Internal Management) Rules, 2012

In supersession of the previous Rules including Delhi High Court Arbitration Centre (DAC) (Internal Management) Rules, Guidelines, Circulars and Orders, the Delhi High Court Arbitration Centre (DAC) (Arbitration Proceedings) Rules, the Delhi High Court Arbitration Centre (Arbitrator's Fee) Rules. The Delhi International Arbitration Centre, (Internal Management) Rules, (Arbitration Proceedings) Rules and (Administrative Costs and Arbitrators' Fees) Rules, with effect from **1st November 2012**, are framed as appended.

DELHI INTERNATIONAL ARBITRATION CENTRE (DAC) (INTERNAL MANAGEMENT) RULES, 2012 (EFFECTIVE FROM 01.11.2012)

PRELIMINARY

1. Title

2. Definitions

PART I- ARBITRATION COMMITTEE

3. The Arbitration Committee

4. Powers of the Arbitration Committee

5. Functions of the Arbitration Committee

PART II- SECRETARIAT

6. THE SECRETARIAT

7. Duties and Responsibilities of the Coordinator

PART III- ADVISORY COUNSEL

8. Advisory Counsel

9. Duties and Responsibilities of the Advisory Counsel

PART IV- PANEL OF ARBITRATORS

10. Panel of Arbitrators

11.

12. Amendment of Rules

13. Residuary Provision

POWER OF THE COMMITTEE

PRELIMINARY

1. Title - These rules may be called the Delhi International Arbitration Centre (DAC) (Internal Management) Rules, 2012.

1.1 The Rules shall come into force on **1st November 2012**.

2. Definitions -

(1) In these rules, unless the context otherwise requires;

(a) "Act" means the Arbitration and Conciliation Act, 1996 and the amendments thereto or any re-enactment thereof;

(b) "Arbitral Award" includes an interim, partial and preliminary award;

(c) "Arbitrator" means a person appointed as an arbitrator from the DAC panel of arbitrators or by consent of parties; and includes Emergency Arbitrator.

(d) "Centre" means Delhi International Arbitration Centre, for short, DAC;

(e) "Chairperson" and "Vice-Chairperson" mean the persons nominated under Rule 3;

(f) "Arbitration Committee" means the Committee constituted under Rule 3;

(g) "Advisory Counsel" means the counsel appointed under Rule 8;

(h) "DAC Panel of Arbitrators" means the Panel of Arbitrators in accordance with Rule 10 of these Rules [for short, the Panel];

(i) "Dispute" includes differences;

- (j) "Party" means a Party(s) to an arbitration agreement;
- (k) "Coordinator" and "Additional Coordinators" mean the persons appointed in terms
- (2) The words and phrases not defined in these Rules shall bear the same meaning as used or defined in the Act.
- 2A. The Chief Justice of the Delhi High Court shall be the patron-in-Chief of the Delhi International Arbitration Centre (DAC) and shall have the powers vested under Rules 3, 6, 8, & 12 of the Rules.

PART I- ARBITRATION COMMITTEE

3. The Arbitration Committee -

- (1) There shall be an Arbitration Committee consisting of members as under:
 - (a) Five Judges of the Delhi High Court of whom one shall be the Chairperson and one Vice-Chairperson to be nominated by the Chief Justice of the High Court of Delhi;
 - (b) Additional Solicitor General attached to the Delhi High Court;
 - (c) President or Vice-President of the Delhi High Court Bar association;
 - (d) Four Advocates to be nominated by the Chief Justice of the Delhi High Court out of whom at least two shall be designated Senior Advocate.
- (2) The Coordinator shall be the *ex-officio* member of the Arbitration Committee, without any voting rights, and shall convene the meetings of the Arbitration Committee as may be desired by the Chairperson/Vice-Chairperson.
- (3) The meetings of the Arbitration Committee shall be presided over by the Chairperson.
- (4) The Vice-Chairperson, in the absence of the Chairperson, shall exercise the powers and discharge the duties of the Chairperson.
- (5) The members of the Arbitration Committee may meet as and when required for the smooth and efficient functioning of the Centre.

4. Powers of the Arbitration Committee -

- (1) To take decisions for smooth and effective functioning of the Centre;
- (2) To formulate rules for internal functioning of the Arbitration Committee and lay down guidelines for the Secretariat and the Advisory Counsel;
- (3) To recommend revision/amendment in the Delhi International Arbitration Centre (DAC) (Internal Management) Rules, the Delhi International Arbitration Centre (Arbitration Proceedings) Rules and the Delhi International Arbitration Centre (DAC) (Administrative Costs and Arbitrators' Fees) Rules and the rules stated in Rule 4 (2) of these Rules, as deemed appropriate;
- (4) To prepare and update the Panel and to take such decisions as may be required from time to time;
- (5) To fix/revise the arbitrators' fees.
- (6) To remove a person from the Panel if:
 - (a) Any complaint of breach of duty or misconduct is received against him and the Arbitration Committee is of the opinion that it would be expedient in the interest of the Centre not to continue such person on its Panel of arbitrators; or
 - (b) He is declared to be of unsound mind or becomes incapacitated; or
 - (c) He has incurred any disqualification under the Act.
 - (d) For any other reason deemed appropriate by the Committee.

5. Functions of the Arbitration Committee -

- (1) To monitor and oversee administration of the Centre. (2) To appoint members on the Panel.
- (3) To organize events or seminars in the field of Law of Arbitration and to promote the use of the Centre for resolution of disputes.

PART II- SECRETARIAT

6. THE SECRETARIAT -

- (1) There shall be a Secretariat to supervise and manage the Delhi International Arbitration Centre and shall consist of:
 - (a) A member of Delhi Higher Judicial Service to be appointed by the Chief Justice of the Delhi High Court as Coordinator who will be in-charge of the Centre and act under the supervision of the Chairperson.
 - (b) Two Members of Delhi Judicial Service to be appointed by the Chief Justice of the Delhi High Court as Additional Coordinators to assist the Coordinator.
 - (c) Notwithstanding anything contained in Clause (a) and (b), it shall be open to the Chief Justice of the Delhi High Court to appoint a person who in the opinion of the Chief Justice is qualified to be appointed as Coordinator or Additional Coordinator.
 - (d) Such staff as may be appointed/deputed by the Chief Justice of the Delhi High Court.

7. Duties and Responsibilities of the Coordinator -

- (1) The Coordinator shall be responsible for the day to day functioning of the Centre.
- (2) Without prejudice to the generality of the provision in (1), the Coordinator shall undertake the following:
 - (a) Place all the records pertaining to each Request for arbitration of disputes before the Advisory Counsel.
 - (b) Initiate action in accordance with the Rules of the Centre.
 - (c) Notify the parties to comply with the requirements of filing of the Request and Reply and the submission and payment of arbitrators' fees and miscellaneous expenses, within the prescribed time frame.
 - (d) Maintain and update from time to time a profile of each arbitrator on the Panel of the Centre, and make it available to the parties, on request.
 - (e) Maintain a fact sheet of each arbitration case dealt with by the Centre.
 - (f) Carry out directions given by the Arbitration Committee from time to time.
- (3) All correspondence and communications to the Centre shall be addressed to the Coordinator and all correspondence and communications on behalf of the Centre shall be made by the Coordinator.

PART III- ADVISORY COUNSEL

8. Advisory Counsel -

- (1) There shall be an 'Advisory Counsel' consisting of:
 - (a) A Chief Counsel as the Head of the Advisory Counsel, who shall be a Senior Advocate with sufficient experience in the field of Arbitration to render *pro bono* services to the Centre.
 - (b) Two or more General Counsel who shall be advocates with sufficient experience in arbitration to render *pro bono* services to the Centre.

(c) One or more full-time General Counsel and two or more counsels for such tenure and on such remuneration as the Chief Justice may determine on the recommendation of the Arbitration Committee.

(2) The term of office of the members of the Advisory Counsel shall be, determined by the Chief Justice of the Delhi High Court from time to time. Till the Chief Justice of the Delhi High Court decides otherwise, the term of office shall be:

(a) One year for the Chief Counsel, subject to extension. (b) Two years for the General Counsel, subject to extension. (c) Two years for the Counsel.

Provided, however, that Chief Justice of the Delhi High Court shall have the power to terminate the tenure of any of the members of the Advisory Counsel at his discretion without assigning any reason.

9. Duties and Responsibilities of the Advisory Counsel -

The duties and responsibilities of the Advisory Counsel shall be as under:

(a) To process the records pertaining to each Request for arbitration, received by the Centre, and recommend to the Coordinator to initiate action in accordance with the rules of the Centre.

(b) To call upon the parties through the Coordinator to file their Statement(s) of claim, Reply(ies) thereto; Counter-claim(s) etc.

(c) To compile all documents received pursuant to filing of a Request, divide them into separate volumes, forward a copy to each member of the Arbitral Tribunal and maintain a copy for the record of the Centre in accordance with Rule 7 of the Delhi International Arbitration Centre (Arbitration Proceedings) Rules.

(d) To call upon the parties through the Coordinator to deposit the assessed miscellaneous expenses of the Centre and the fees for the arbitrator(s).

(e) To render assistance by way of legal research, if called upon or requested to by the Arbitral Tribunal.

(f) To assist the Arbitral Tribunal in rectifying clerical errors, if any, in the award.

(g) To assess the costs to be awarded by the Arbitral Tribunal in all arbitration proceedings.

(h) To take steps as may be necessary for timely completion of arbitration proceedings.

PART IV- PANEL OF ARBITRATORS

10. Panel of Arbitrators -

- (1) The Arbitration Committee shall prepare and maintain a Panel of Arbitrators from amongst persons who are eligible and willing to serve as arbitrators.
- (2) The Secretariat shall maintain an up-to-date Panel of Arbitrators together with information as to their qualifications and experience.
- (3) A *Curriculum Vitae* shall be furnished by the persons interested to be placed on the DAC Panel of Arbitrators, in the form prescribed in Schedule V of the Delhi International Arbitration Centre (DAC) (Arbitration Proceedings) Rules. Information so submitted by the persons who are finally empanelled may be made available to the parties seeking to appoint an arbitrator from the Panel.
- (4) The parties may choose any person from the Panel to be appointed as an arbitrator in respect of their disputes, subject to their work-load and availability.
- (5) If the parties so desire, the Chairperson may appoint an arbitrator whose name is not in the Panel, but such appointment shall be restricted to the case concerned.
- (6) The Arbitration Committee may at any time add new names to the Panel or omit the name of any person from the Panel.

PART V- GENERAL PROVISIONS

11. The accounts of the Delhi International Arbitration Centre shall be maintained as per the Income Tax Act, 1961 as amended from time to time and the Rules and Circulars issued there under and by the Government.

12. Amendment of Rules -

These Rules may be amended by the Chief Justice of the Delhi High Court in consultation with the Arbitration Committee.

13. Residuary Provision

In the absence of any specific norm made under these Rules, the Arbitration Committee may take appropriate decision(s), as becomes necessary.

POWER OF THE COMMITTEE

In case an arbitration comes by mutual agreement to the Centre, the Chairperson of the Committee shall nominate the arbitral tribunal in accordance with terms and stipulations in the agreement.